

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
ASSEMBLY BILL NO. 4203

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 4203 without my approval.

This bill, like the appropriations bill in which it should have been included, is unwise and quite brazenly unconstitutional. Article VIII, Section II, Paragraph 2 of the State Constitution unambiguously requires the Legislature to appropriate annually all moneys for the support of State government and for all other State purposes "as far as can be ascertained or reasonably foreseen" in one general appropriation law covering one and the same fiscal year. This bill is characterized by its sponsors as a "supplement" to the annual appropriations act -- "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2012 and regulating the disbursement thereof." The Senate version of this bill was unveiled and introduced in the Legislature, however, before the appropriations bill was drafted or introduced, and both Houses of the Legislature considered the bill contemporaneously with the budget bill.

The text of the bill and the statement accompanying it demonstrate that the bill's provisions, if ever enacted, were intended to "supplement" those contained in the actual budget bill, spending more resources than are realistically available to the State for these purposes. This spending proposal was not only ascertainable and reasonably foreseeable for inclusion in the annual appropriations bill, it was in fact ascertained and foreseen before the budget was crafted. No legitimate reason suggests itself to explain why the lines and words contained in

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

2

this bill could not have been placed in the budget bill. These appropriations could have been and should have been included in the annual appropriations bill, along with all the other ascertained and foreseen spending authorizations.

The New Jersey Constitution establishes clear roles for the Legislature and the Governor in conducting the State's fiscal affairs and has meticulously structured our mutual interactions in the fashioning of the State budget. While the power to appropriate monies, to pass revenue raising measures, and the like lies solely in the Legislature, that power is constrained by other constitutional principles. One such principle is the requirement for a single annual appropriations act. Another is the Governor's full range of veto powers. A third is separation of powers. This bill disrespects and violates those rules. Because it is an unconstitutional political ploy, I am returning this bill without my signature.

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor